

relinquishing coverage for the issues of field sanitation (29 CFR 1928.110) and temporary labor camps (29 CFR 1910.142) in agriculture (except for agricultural temporary labor camps associated with egg, poultry or red meat production, or the post-harvest processing of agricultural or horticultural commodities.) The Employment Standards Administration, U.S. Department of Labor, has assumed responsibility for enforcement of these Federal OSHA standards in agriculture in Alaska pursuant to Secretary of Labor's Order 5-96, dated December 27, 1996.

[50 FR 43133, Oct. 24, 1985, as amended at 59 FR 14556, Mar. 29, 1994; 59 FR 50793, Oct. 5, 1994; 62 FR 2563, Jan. 17, 1997]

Subpart S—The Virgin Islands

§ 1952.250 Description of the plan as initially approved.

(a) The Virgin Islands Occupational Safety and Health program will be administered and enforced by the Virgin Islands Department of Labor (hereafter called the agency). It will cover all activities of employees and places of private and public employment except those subject to subpart G of part 1910 and subpart D of part 1926 of this chapter relating to occupational health and environmental control and §§ 1910.13—1910.16 and parts 1915—1918 of this chapter relating to maritime employment.

(b)(1) The Plan requires employers of one or more employees to furnish them employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational safety and health standards promulgated or issued by the agency. The standards adopted by the United States Department of Labor covering issues within the scope of the plan will be adopted by the agency. The Plan also directs employees to comply with all occupational safety and health standards and regulations that are applicable to their own actions and conduct.

(2) The Plan also requires each owner, lessor, agent or manager of any premises used in whole or in part as a place of employment to comply with safety and health standards and regulations established under the program.

(c) The Plan includes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for variances and the protection of employees from hazards. It provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations, before, during, and after inspections, protection of employees against discharge or discrimination in terms and conditions of employment, notice to employees or their representatives when no compliance action is taken upon complaints, including informal review, notice to employees of their protections and obligations, adequate safeguards to protect trade secrets, prompt notice to employers and employees of alleged violations of standards and abatement requirements, effective remedies against employers and owners, and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(d)(1) The Plan includes a legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the laws of the Virgin Islands.

(2) A merit system of personnel administration will be used.

(3) A program of education, training, and consultation for employers and employees will be developed.

(4) The Plan is supplemented by the inclusion of implementing legislation (Virgin Islands Act No. 3421) and bill number 6003 to correct section 14(e) thereof and a revised implementation time table.

[38 FR 24896, Sept. 11, 1973, as amended at 49 FR 16775, Apr. 20, 1984]

§ 1952.251 Developmental schedule.

The following is a summary of the major developmental steps provided by the plan:

§ 1952.252

- (a) Commencement of recruitment and staff training—September 10, 1973.
- (b) Effective date of implementing legislation—October 1, 1973.
- (c) Procedural and interpretative, regulations and standards to become effective—January 1, 1974.
- (d) Enforcement program to be operational—January 1, 1974.
- (e) Public employee program to be operational—July 15, 1974.
- (f) Program to be fully implemented—July 1, 1975.

[38 FR 24896, Sept. 11, 1973. Redesignated at 49 FR 16775, Apr. 20, 1984]

§ 1952.252 Completion of developmental steps and certification.

- (a) In accordance with §1952.253(b), amendments to the Virgin Island legislation were passed March 11, and February 26, 1974.
- (b) In accordance with §1952.253(c), the Virgin Islands occupational safety and health standards were promulgated on March 21, 1974.
- (c) In accordance with §1952.253(a) the Virgin Islands has completed the training as described therein.
- (d) The Virgin Islands has developed and implemented a manual Management Information System.
- (e) In accordance with the requirements of §1952.10 the Virgin Islands safety and health posters for private and public employees were approved by the Assistant Secretary on September 28, 1976.
- (f) The Virgin Islands has developed and implemented an effective Public Information Program.
- (g) The Virgin Islands amended its legislation to:
 - (i) Delete reference to “political subdivisions” and substitute the term “department,” and
 - (ii) To add new sections:
 - (1) “Variations, Tolerances and Exemptions,” and
 - (2) “Disclosure of Confidential Trade Secrets.”
- (h) The Virgin Islands’ Field Operations Manual (FOM) modeled after the Federal FOM has been developed by the State, and approved by the Assistant Secretary.
- (i) The Virgin Islands has developed:
 - (1) An acceptable organizational chart;

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- (2) Job descriptions for V.I. occupational safety and health employees which meet the necessary requirements;
- (3) A procedure to correct a problem of understaffing in the V.I. in terms of plan commitment;
- (4) A procedure for rating and ranking candidates; and
- (5) An Affirmative Action Plan for Equal Employment Opportunity acceptable to CSC.
- (j) In accordance with §1952.253(e), the Virgin Islands implemented the public employee program in July 1975.
- (k) In accordance with §1952.253(c), the Virgin Islands adopted the Administrative Regulations on March 11, 1974.
- (l) In accordance with §1952.253(d), the safety enforcement program in the Virgin Islands was operation in April 1974.

The supplement was approved by the Assistant Secretary on August 3, 1981.

- (m) In accordance with §1902.34 of this chapter, the Virgin Islands’ occupational safety and health plan was certified effective September 22, 1981 as having completed all developmental steps specified in the plan as approved on September 11, 1973, on or before August 31, 1976.

This certification attests to structural completion, but does not render judgment on adequacy of performance.

[40 FR 11352, Mar. 11, 1975, as amended at 41 FR 43406, Oct. 1, 1976; 42 FR 40195, Aug. 9, 1977; 44 FR 76783, Dec. 28, 1979; 45 FR 56054, Aug. 22, 1980; 46 FR 41046, Aug. 14, 1981; 46 FR 46808, Sept. 22, 1981. Redesignated at 49 FR 16775, Apr. 20, 1984]

§ 1952.253 Final approval determination.

- (a) In accordance with section 18(e) of the Act and procedures in 29 CFR part 1902, and after a determination that the State met the “fully effective” compliance staffing benchmarks established in response to a Court Order in *AFL-CIO v. Marshall* (CA 74-406), and was satisfactorily providing reports to OSHA through participation in the Federal/State Unified Management Information System, the Assistant Secretary evaluated actual operations under the Virgin Islands State plan for a period of at least one year following